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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/092,883

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Jeremy Craig Wilson

18433 (H27180)

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EXAMINER

SETH, MANAV

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/092,883	Applicant(s) WILSON ET AL.	
	Examiner MANAV SETH	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-38 and 46-55 is/are allowed.
- 6) ☒ Claim(s) 39-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on February 10, 2006 has been considered and entered in full.
2. Applicant's arguments with respect to respective amended claims have been considered but are moot in view of the rejection(s) made below, in view of the further consideration of the amended claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 39-41 and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Haas et al., WO 99/36836, 22 July 1999.

Regarding claim 39, claim 39 recites “recording a digital image of a person and an identity badge with a camera”. Haas reference is directed to controlling access to a secure area by an automated system in which the badge along with the person bearing the badge is imaged using a camera system (page 11, 1st and 2nd paragraphs) and the images are further sent to element 26 (figure 1) for further analysis for proper identification of the person with respect to the badge. Since the system being the automated system, the system inherently has to be trained in advance with all the information for what it is required to do, for example, for identification purposes comparing the input data fed to the system with the stored information in order to provide the proper

identification Haas discloses "The CCTV can incorporate images and characteristics of the person wearing the identification badge as a biometric identifier along with the badge identifier, e.g., number" (page 11, 1st paragraph) and further discloses the CCTV system in 1st and 2nd paragraphs of page 10 and figure 1. Haas further discloses transmitting said digital image to a computer (figure 1, page 10, 1st paragraph - computer being the element 26 (the imaging system)). Haas further discloses retrieving identity information and access control information from a database based on symbols on said identity badge (page 9, last paragraph), comparing said identity information with said person in digital image and allowing access when a positive result arises from said comparison step (page 10 and page 11- where the retrieving and comparing of the information is inherently required for analysis and are present in the system provided by Haas for identification purposes, which would be impossible otherwise).

Claim 39 further recites "reprogramming said camera". As discussed before, Haas discloses "The security system of this invention permits a large facility to **screen each and every person for a valid identification badge 24** by means of a distant-viewing, non-contacting, CCTV camera" (page 11, 2nd paragraph). Haas further discloses "as the individual enters the facility through the doorway being monitored, the identification badge 24 is illuminated, scanned, observed, and/or monitored by the CCTV camera 20 and the video image of the badge 24 immediately analyzed to confirm that they were wearing a valid identification badge 24" (page 10, 1st paragraph). Clearly from the cited paragraphs, each and every person for a ID badge is scanned, observed and monitored by the CCTV, which asserts that the camera is reprogrammed after every scan, since each and every person is scanned, and apparently the position of every person and the badge on the person to be scanned is not exactly on the same position.

Claim 40 recites “wherein said comparison step is performed by a human operator”. Haas, as cited in rejection of claim 39, teaches an automated system and as for the argument sake, automation always comes after manual work. Automation is an additional step to a manual work and in order to provide an automated system, manual work is required.

Regarding claim 41, Haas discloses comparison step is based on face verification (page 11, 1st paragraph – face characteristics).

Claims 43-44 have been similarly analyzed and rejected as per claims 39-41.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas et al., WO 99/36836, 22 July 1999.

Regarding claims 42 and 45, these claims recite “wherein said comparison step is based on voice verification”. As discussed in the rejection of claim 39, Haas discloses “The CCTV can incorporate images and characteristics of the person wearing the identification badge as a biometric identifier along with the badge identifier, e.g., number” (page 11, 1st paragraph). Haas clearly discloses use of person’s characteristics along with the badge identifier but do not expressly teach

using voice as one of the person's characteristics to identify the authorized person. However, examiner here asserts that using voice as one of the person's characteristic's in the field/art of security and authorization purposes is very well known and examiner here takes official notice (Official Notice Taken) of this well known teaching. Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention was made to add voice verification/comparison to the method or teachings of Haas because it would further add more reliability and robustness to the Haas system by adding more verification steps which would result in more accurate identification of the person trying to access the secured area, since every person has it's own voice characteristics and thus providing better authenticity.

In the previous office action examiner took official notice on the subject matter recited in claims 42 and 45 and applicant does not provide any arguments to traverse the official notice taken, therefore the subject matter recited in claims 42 and 45 is taken to be admitted prior art (see MPEP 2144.04, section C, page 2100-144).

7. Claims 1-38 and 46-55 are allowed.

The following is an examiner's statement of reasons of allowance:

The reasons of allowance for claims 1 and 20 should be evident from the applicant's amendments and arguments with respect the claims. The closest prior art as cited does not teach the limitation "wherein said database further comprises camera control information associated with said symbols on each said identity badge for initiating reprogramming of said camera and said access control computer is operative to reprogram said camera based on the camera control information" as recited in claims 1 and 20. All other claims depending on claims 1 and 20 are allowed at least by dependency on claims 1 and 20.

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings for the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references entirely as potential teachings all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manav Seth whose telephone number is (571) 272-7456. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu, can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Manav Seth/
Examiner, Art Unit 2624
August 1, 2008
/Jingge Wu/
Supervisory Patent Examiner, Art Unit 2624